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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,926	03/15/2000	Richard A. Smith	62-184	9870

7590 08/23/2002

Farkas & Manelli PLLC  
2000 M Street N W  
7th Floor  
Washington, DC 20036-3307

EXAMINER

KUPSTAS, TOD A

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/525,926

Applicant(s)

SMITH ET AL. *NS*

Examiner

Tod Kupstas

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 and 32-38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-11, and 20-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restriction*

1. Applicant's election with traverse of claims 1-12 and 20-31 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that Applicant had already examined all of the claims. This is not found persuasive because a restriction may be performed at any time in order to further expedite the prosecution of a case. In this instance the different classification of the subject material requires the restriction in order to focus the examination.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7, 9, 20-24, 26, 28, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark (US 5,960,074).

As set forth in claims 1 and 20, Clark discloses a method and apparatus for providing access to a channel of an Internet Relay Chat group to a mobile device, comprising: placing a mobile chat proxy server (103A) in a communication path between a standard Internet Relay Chat

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server and a wireless gateway server supporting said mobile device; see col. 5, lines 45-59, wherein said mobile chat proxy server forwards chat commands from said mobile device to said standard Internet Relay Chat server; see col. 5, lines 8-16. (The system Clark uses a proxy server for access by a cellular phone, this proxy server will then connect to the Internet and the server located there).

As set forth in claims 2 and 21, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein said access includes participation in said channel by said mobile device; cellular phone col. 5, line 59.

As set forth in claims 3 and 22 Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein the mobile device comprises a mobile telephone; see col. 5, line 59.

As set forth in claims 4 and 23, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein the mobile telephone is a mobile originated telephone with respect to said accessed channel of said Internet Relay chat group; see col. 5, lines 55-60.

As set forth in claims 5 and 24, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein said mobile chat proxy server interprets Internet Relay Chat commands from said mobile device (acts a gateway provides downloading and uploading from IRC).

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As set forth in claims 7 and 26, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein said mobile chat proxy server passes communications with said mobile device through an Interworking Function interface in a direction toward said mobile device; see fig 1.

As set forth in claims 9 and 28, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device: including wireless Internet gateway between said mobile chat proxy server and said mobile device; see col. 5, lines 55-60, col. 5, lines 9-16.

As set forth in claims 11 and 30, Clark discloses a method of providing access to a channel of an Internet relay chat group to a mobile device comprising summoning at least one other mobile device to join said Internet Relay Chat group (inherent in chat systems that a request to another can be made can be made).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 8, 10, 25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Holmes et al. (US 6,178,331).

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Clark does not disclose using SMPP or a short message system controller. Holmes discloses having a wireless system wherein both SMPP and a short message system controller is used; see col. 3, lines 19-24, and col. 11, 16-65. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system of Clark, with either SMPP or a short message system controller, as taught by Holmes. The rationale is as follows: It would have been desirable to have used standard protocols for sending messages. As teaches the desirability of using SMPP and a short message system controller in a wireless system, one of ordinary skill would have been motivated by Holmes's teaching to have provided the system of Clark with these protocols thereby having provided various standardized languages for use in the system.

***Allowable Subject Matter***

6. Claims 12 and 31 are allowed.

***Response to Arguments***

7. Applicant's arguments filed 3/15/2001 have been fully considered but they are not persuasive.

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Applicant argues that Clark “fails to teach a mobile chat proxy server in a communication path between a standard Internet Relay Chat server and a wireless gateway server supporting a mobile device.” Stating that Clark merely accesses a proxy server. The Examiner disagrees that this phrasing implies that the proxy server is not located at element 103, regardless of whether or not the proxy server disclosed in Clark is at 103, it is still between IRC server and wireless gateways server. One of the servers at 103, performs an IRC function and therefore is an IRC server. Furthermore, the Examiner agrees that a remote wireless LAN is not a wireless gateway server, however, the referenced material in Clark states that nodes (on a LAN) act as a gateway into the Internet services. This is the bridge between the wireless network and the Internet, i.e. the location of the gateway server. The language of the claims is met by Clark.

On page 7, Applicant objects to the 103 rejection based upon the same reasons claims 1 and 20 are rejected. For the same reasons the Examiner contends that the rejection is appropriate. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system of Clark, with either SMPP or a short message system controller, as taught by Holmes, such communication protocols are standard in field.

### *Conclusion*

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

The fax phone number for this art unit is (703) 305-7201. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas

August 19, 2002

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100